

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application.

**[0004]** Claims 1-2, 4-6, 8-35, and 37 are presently pending. Claims amended herein are: 1-2, 4-6, 8-14, 24, and 31. Claims withdrawn or canceled herein are: 3, 7, and 36. New claims added herein are: 37.

### **Statement of Substance of Interview**

**[0005]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on January 8, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0006]** During the interview, I discussed how the claims, as amended, differed from the cited art, namely Odman (US 2003/0152059) and others. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0007]** The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish over the cited art of record. For example, the Examiner indicated that clarification regarding the use of a smoothing factor distinguished the claims over the cited art, namely Odman, Crisler et al., and Wibowo et al. However, the Examiner indicated that he would need to review the cited art more carefully and

potentially do another search, and requested that the proposed amendments be presented in writing.

**[0008]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

**[0009]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0010]** Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

### **Claim Amendments and Additions**

**[0011]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-2, 4-6, 8-14, 24, and 31 herein.

**[0012]** Furthermore, Applicant adds new claim 37 herein, which is directed towards ascertaining respective previous unserved bandwidth amounts

associated with a plurality of streams and determining respective current allocated bandwidth amounts for the respective streams based on the ascertained respective previous unserved bandwidth amounts and a smoothing factor. This new claim is fully supported by Application and therefore does not constitute new matter.

## **Formal Matters**

**[0013]** This section addresses any formal matters (e.g., objections) raised by the Examiner.

### **Specification**

2. The disclosure is objected to because of the following informalities: on page 4, line 14 and page 4, line 15 “device coordinator 102” should be “device coordinator 102(c)” since ref. 102 refers to devices generally whereas ref. 102(c) refers to the device coordinator.

Appropriate correction is required.

**[0014]** The Examiner objects to paragraph 19 of the specification because it does not have the correct reference to Figure 1. Herein, Applicant amends this paragraph, as shown above, to correct the informalities noted by the Examiner.

## **Drawings**

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: ref. 300 (see Fig. 3 and ¶¶ [0028]-[0032]). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**[0015]** The Examiner objects to Fig. 3 because the specification does not contain the descriptor 300. Herein, Applicant amends paragraph 28 to correct the informalities noted by the Examiner.

## **Substantive Matters**

### **Claim Rejections under §101**

[0016] Claims 7 is rejected under 35 U.S.C. §101. Claim 7 has been canceled and thus this claim rejection is moot.

### **Claim Rejections under §112 Second Paragraph**

[0017] Claim 36 is rejected under 35 U.S.C. §112, Second Paragraph. Claim 36 is canceled. In light of the cancelation, this claim rejection is moot.

### **Claim Rejections under § 103**

[0018] Claims 1-3 and 5-36 are rejected under 35 U.S.C. §103. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot.

[0019] As discussed in the interview, independent claims 1, 14, 24, 31, and 37 comprise elements and features not found in the cited references, namely Odman, Crisler et al., and Wibowo et al. For example, claim 1 comprises the following elements:

- receiving from an entity a bandwidth allocation request stipulating a requested bandwidth amount for a stream from an entity for a current superframe;
- determining an unserved bandwidth amount from a previous superframe;
- and,

- determining an allocated bandwidth amount for the stream of the entity based, at least in part, on the unserved bandwidth amount and a smoothing factor.

**[0020]** The other independent claims comprise similar elements including the use of a smoothing factor to determine an allocated bandwidth amount.

**[0021]** For at least this reason, Applicant asserts that the independent claims and concomitant dependent claims are in a condition of allowance since they comprise elements not found in the cited references. Accordingly, Applicant asks the Examiner to withdraw the rejection of the pending claims.

## **Conclusion**

[0022] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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